<u>REMARKS</u>

Claims 1-7 remain pending in this application with claim 3 being amended by this Response.

<u>Provisional Rejection of claims 1, 5, and 7 under the judicially created doctrine of double patenting over co-pending Application No. 09/475,448</u>

Claim 1 has been provisionally rejected under the judicially created doctrine of double patenting as being unpatentable over claim 1 of co-pending Application Serial No. 09/475,448. However, the invention as presently claimed by claim 1 of the pending application discloses an apparatus containing a conflict resolution system for resolving conflicts between or among multiple instructions. This is unlike the invention claimed in the co-pending application which discloses a system that allows a supervisor to temporarily modify a ratings control profile. The present claimed invention allows for a user to selectively set the system to resolve conflicts between multiple override instructions. It is respectfully submitted that resolving conflicts between multiple override instructions is different and patentably distinct from temporarily modifying a ratings control profile. It is thus further respectfully submitted that temporarily modifying a ratings profile as in US Patent Application Serial No. 09/475,448 is not the same invention as, resolving a conflict between two existing override instructions, as in the present claimed invention and thus the issuance of a patent on the present claimed invention would not result in the applicant receiving two patents for the same invention should US Patent Application Serial No 09/475, 448 also issue into a patent.

Claim 5 is provisionally rejected under the doctrine of obviousness-type double patenting over claims 6 of the co-pending Application Serial No. 09/475,448. The invention as presently claimed by claim 5 of the pending application discloses a system for resolving conflicts between or among multiple instructions. This is unlike the invention claimed in the co-pending application which discloses a system that allows a supervisor to temporarily modify a ratings control profile. The present claimed invention allows for a user to selectively set the system to resolve conflicts between multiple override instructions. It is respectfully submitted that resolving conflicts between multiple override instructions is different and patentably distinct from temporarily modifying a ratings control profile. It is thus further respectfully submitted that temporarily modifying a ratings profile as in US

Patent Application Serial No. 09/475,448 is not the same invention as, resolving a conflict between two existing override instructions, as in the present claimed invention and thus the issuance of a patent on the present claimed invention would not result in the applicant receiving two patents for the same invention should US Patent Application Serial No 09/475, 448 also issue into a patent.

Claim 7 is provisionally rejected under the doctrine of obviousness-type double patenting over claim 9 of the co-pending Application No. 09/475,448. The invention as claimed in claim 7 of the pending application discloses a system for resolving conflicts between or among multiple instructions. This is unlike the invention claimed in the co-pending application which discloses a system that allows a supervisor to temporarily modify a ratings control profile. The present claimed invention allows for a user to selectively set the system to resolve conflicts between multiple override instructions. It is respectfully submitted that resolving conflicts between multiple override instructions is different and patentably distinct from temporarily modifying a ratings control profile. It is thus further respectfully submitted that temporarily modifying a ratings profile as in US Patent Application Serial No. 09/475,448 is not the same invention as, resolving a conflict between two existing override instructions, as in the present claimed invention and thus the issuance of a patent on the present claimed invention would not result in the applicant receiving two patents for the same invention should US Patent Application Serial No 09/475, 448 also issue into a patent.

Provisional Rejection of claims 1, 5, and 7 under the judicially created doctrine of double patenting over Copending Application No. 09/475,449

Claim 1 is provisionally rejected under the doctrine of obviousness-type double patenting over claim 1 in the co-pending Application Serial No. 09/475,449. Claim 1 in the co-pending application neither discloses nor suggests having a system to resolve conflicts between or among multiple instructions as in the present claimed invention. Rather, claim 1 of the co-pending application discloses a video system that is able to store in memory any previously entered and completed overrides. It is respectfully submitted that storing completed overrides in memory for later subsequent use is wholly unlike and patentably distinct from resolving conflicts between multiple active restrictions as in the present claimed invention. It is thus further respectfully submitted that storing previously entered and complete overrides into memory as in US Patent Application Serial No. 09/475,449 is not the

same invention as, resolving a conflict between two existing override instructions, as in the present claimed invention and thus the issuance of a patent on the present claimed invention would not result in the applicant receiving two patents for the same invention should US Patent Application Serial No 09/475, 449 also issue into a patent.

Claim 5 is provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claim 4 of co-pending Application Serial No. 09/475, 449. Claim 4 in the co-pending application neither discloses nor suggests having a system to resolve conflicts between or among multiple instructions as in the present claimed invention. Rather, claim 4 of the co-pending application discloses a video system that is able to store in memory any previously entered and completed overrides. It is respectfully submitted that storing completed overrides in memory for later subsequent use is wholly unlike and patentably distinct from resolving conflicts between multiple active restrictions as in the present claimed invention. It is thus further respectfully submitted that storing previously entered and complete overrides into memory as in US Patent Application Serial No. 09/475,449 is not the same invention as, resolving a conflict between two existing override instructions, as in the present claimed invention and thus the issuance of a patent on the present claimed invention would not result in the applicant receiving two patents for the same invention should US Patent Application Serial No 09/475, 449 also issue into a patent.

Claim 7 is provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claim 8 of co-pending Application Serial No. 09/475, 449. Claim 8 in the co-pending application neither discloses nor suggests having a system to resolve conflicts between or among multiple instructions as in the present claimed invention. Rather, claim 7 of the co-pending application discloses a video system that is able to store in memory any previously entered and completed overrides. It is respectfully submitted that storing completed overrides in memory for later subsequent use is wholly unlike and patentably distinct from resolving conflicts between multiple active restrictions as in the present claimed invention. It is thus further respectfully submitted that storing previously entered and complete overrides into memory as in US Patent Application Serial No. 09/475,449 is not the same invention as, resolving a conflict between two existing override instructions, as in the present claimed invention and thus the issuance of a patent on the present claimed invention would not result in the applicant receiving two patents for the same invention should US Patent Application Serial No 09/475, 449 also issue into a patent.

Rejection of claim 3 under 35 U.S.C. 112

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Claim 3 has been formally amended for purposes of clarity to insert the words "conflicts are resolved" before the word "further" in line 4 of claim 3. Based on the above remarks and amendment to claim 3, it is respectfully submitted that the rejection has been satisfied and should be withdrawn.

Rejection of claims 1, 3, 4 and 5 under 35 U.S.C. 102(e)

Claims 1, 3, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Casement et al. (US Patent No. 5,969,748).

The present claimed invention recites an apparatus comprising a video signal processing system for producing an output signal suitable for coupling to a display device to produce a displayed image. The video processing system has a blocking system which prevents viewing or recording of programs which exceed ratings, spending, and/or viewing time limits set by a supervisor who has entered a password which must be accepted by the control system. The apparatus further includes an override system for entering instructions to temporarily override ratings, spending, and/or view time limits, and/or to permit specific programs to be viewed. A conflict resolution system resolves conflicts between or among multiple instructions.

The present claimed invention specifically recites "a conflict resolution system for resolving conflicts between or among multiple instructions." The conflict system resolves any conflicts between multiple override instructions that have been entered by a supervisor (see page 5, line 28 – page 6, line 10 and lines 6 – 11 of claim 1). The conflict resolution system utilizes two modes, selectable by a supervisor, to resolve any override conflicts (see page 6 lines 14 – 17).

Casement et al neither disclose nor suggest an apparatus having a conflict resolutions system for resolving conflicts between or among multiple instructions as in the present claimed invention. The Examiner cites column 5, lines 6 – 18 of Casement et al as reciting a conflict resolution system. However, the passage cited by the Examiner discloses a potential override system. As stated therein, when viewing is attempted during a locked time, a pop-up will appear asking for the parental password. If the password is entered, the pop-up

disappears and full access to the previously locked channel is granted thereby overriding a previous instruction.

While the pop-up of Casement et al alerts the user to the conflict, it does not resolve conflicts between multiple instructions as in the present claimed invention. Additionally, ignoring the pop up thereby causing the channel to remain locked but permitting a recording of the locked channel is unlike the conflict resolution system as described in the present claimed invention because the conflicts resolved by the conflict resolution system of the present claimed invention are conflicts between multiple override instructions. In fact, as described on lines 12 – 16 of column 5 in Casement et al., the system allows both instructions to proceed as entered because the channel remains locked and the recording of the blocked channel is allowed to occur. If both instructions are allowed to occur, no conflict is resolved. Casement et al. neither discloses nor suggests having a conflict resolution system for resolving conflicts between and among multiple override instructions as in the present claimed invention.

In view of the above remarks, it is respectfully submitted that the present claimed invention is not anticipated by Casement et al. As claims 3 and 4 are dependent upon now allowable claim 1, it is respectfully submitted that claims 3 and 4 are allowable for the same reasons as discussed with respect to claim 1. Thus, it is further respectfully submitted that the rejection has been satisfied and should be withdrawn.

Rejection of claims 2, 6 and 7 rejected under 35 U.S.C. 103(a)

Claims 2, 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Casement et al in view of Yoshida et al.

Casement et al, as discussed above, neither discloses nor suggests an apparatus having a conflict resolution system that resolves conflicts between and among multiple instructions as in the present claimed invention.

Yoshida et al. is cited for disclosing a conflict resolution system allowing the supervisor to select to resolve the conflicts according to either the most restrictive or least restrictive resolution. The Examiner is correct in that the system as described in Yoshida et al allows a parent (supervisor) to restrict viewing by conforming to the restrictions as sent by the broadcast system. However, the restrictions are not selectively resolvable by a supervisor in favor of either a most restrictive or least restrictive means as in the present claimed invention. Rather, as stated in column 8, lines 3 – 17 of Yoshida et al., if the first restrict data (data from the broadcast system) is stricter than the second restrict data (data from the

supervisor) then the controller prohibits viewing of the program. In the alternative, if the first restrict data is more lenient than the second restrict data, then the program is viewable. The system as recited in the present claimed invention allows the supervisor to determine in which favor to resolve any conflict, specifically to "resolve conflicts according to either the most restrictive or the least restrictive resolution", whereas the system in Yoshida et al., only resolves the conflict by prioritizing the contents of the first restrict data.

Additionally, Yoshida et al resolves conflicts between data contained in the broadcast information and restriction data entered by a supervisor. This is unlike the present claimed invention in that the conflicts being resolved are multiple overrides that have been previously entered by a supervisor.

In view of the above remarks it is respectfully submitted that Yoshida et al. adds nothing when taken alone, or in combination with Casement et al. that would make the present claimed invention unpatentable. As claims 6 and 7 contain similar limitations as the rejected claim 2, it is respectfully submitted that claims 6 and 7 are allowable for the same reasons as discussed above. Thus, It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

As discussed above, it is submitted that claims 1-7 are clearly allowable over the newly cited art and such favorable reconsideration is respectfully requested. New claims 8-10 were added to further define the present invention. New independent claim 8 includes limitations similar to those discussed above with respect to claim 1 and it is thus respectfully submitted that claim 8 is allowable for the same reasons as claim 1. As claims 9 and 10 are dependent on claim 8 it is respectfully submitted that these claims are likewise allowable.
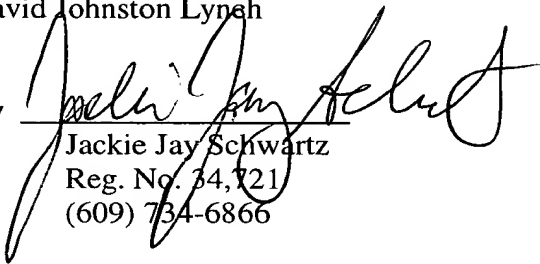
Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this response is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, and to allow all of the claims in this case.

Should the Examiner feel that anything further is necessary to place this application in condition for allowance he is respectfully requested to contact applicants attorney at the telephone number listed below.

No other fee is believed due. However, if an additional fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
David Johnston Lynch

By _____
Jackie Jay Schwartz
Reg. No. 34,721
(609) 734-6866

Patent Operations
Thomson Licensing, Inc.
P.O. Box 5312,
Princeton, NJ 08543-0028
February 4, 2003

In the Claims

Please replace claim 3 with the following claim 3.

3.   (Amended) Apparatus according to claim 1 further including means to display status listing of programs or channels unblocked and the corresponding time periods according to the instructions and, in the event of conflicts between multiple instructions, conflicts are resolved further according to the conflict resolution system.